

## REMARKS

### Amendments

Claim 6 is incorporated in claim 1 and hence claims 5-6 are cancelled as moot. Claim 23 is incorporated into claim 1 and therefore claims 22-23 are cancelled as moot. Formality issues in claims 9 and 11 are corrected herein. Claim 20 is rewritten in independent format. Claims 91 and 93 are incorporated in claim 86 and hence are canceled as moot. The other amendments and claims dependency revisions are made in view of the edits to the independent claims. In that the amendments do not introduce new matter, entry thereof is respectfully requested.

### Section 112, second paragraph

Claims 9 and 10 (Applicants believe claim 11 rather than claim 10 is intended) are rejected under 35 USC Section 112, second paragraph as being indefinite.

Without acquiescing in the rejection, and in order to expedite prosecution, claims 9 and 11 are amended herein to recite the language "selected from the group consisting of" as recommended by the Examiner. Reconsideration and withdrawal of the rejection is respectfully requested.

### Section 112, first paragraph

Claims 1-22, 27-29, 31-33, and 37 are rejected under 35 USC Section 112, first paragraph as allegedly lacking enablement. The Examiner urges that while the specification enables methods of treating "cancer," it does not reasonably enable methods of treating a "disorder."

Without acquiescing in the rejection, claim 1 is amended herein to recite that the method concerns "treatment of a human patient diagnosed with cancer," thus obviating the Examiner's rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

### Section 102(e)

Claims 1-7, 9, 11-13, 23-27, 31-33, 86-97, 99, and 101 are rejected under 35 USC Section 102(e) as being anticipated by U.S. Patent 6,949,245 (Sliwowski).

Applicants traverse this rejection in that the present claims concern subsequent doses separated in time from each other by at least about two weeks, whereas the relied-upon disclosure of "doses separated by...about 3 weeks" is not expressly set forth in Sliwowski's priority application, 60/141,316 filed June 25, 1999. Hence, Sliwowski does not constitute

Serial No.: 10/600,152

anticipatory 102(e) prior art, as to the presently claimed invention. A copy of 60/141,316 filed June 25, 1999 is attached hereto for the Examiner's convenience. Reconsideration and withdrawal of the Section 102(e) rejection is respectfully requested.

**Section 103(a) - Watanabe, Seidman, Baselga**

Claims 1-3, 5, 11, 17, 18, 22-29, 31, 32, 86-90, 92, 99, and 101 are rejected under 35 USC Section 103(a) as being unpatentable over Watanabe et al., *Proceedings of ASCO* (Abstract #702)17:182a (1998) (hereinafter "Watanabe") in view of Seidman et al., *Seminars in Oncology* 22(5):108-116 (1995) (hereinafter "Seidman") and further in view of Baselga et al., *Proceedings of the American Association for Cancer Research* (Abstract #2262)35:380(1994) (hereinafter "Baselga").

This rejection is obviated by the incorporation of non-rejected claim 6 into claim 1, and nonrejected claims 91 and 93 into claim 86. Reconsideration and withdrawal of the rejection is respectfully requested.

**Section 103(a) - Baselga 1994, Baselga 1996, Seidman, Baselga**

Claims 1, 5, 22-29, 31, 32, and 101 are rejected under 35 USC Section 103(a) as being unpatentable over either Baselga et al., *Breast Cancer Research and Treatment* (Abstract 8) 32(Suppl):30 (1994) (hereinafter "Baselga 1994") or Baselga et al., *J. Clin. Oncol.* 14(3):737-744 (Mar 1996) (hereinafter "Baselga 1996") in view of Seidman and further in view of Baselga.

This rejection is obviated by the incorporation of non-rejected claim 6 into claim 1, and nonrejected claims 91 and 93 into claim 86. Reconsideration and withdrawal of the rejection is respectfully requested.

Applicants believe this application is now in condition for allowance, and look forward to early notification to that effect.

Respectfully submitted,  
GENENTECH, INC.

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By: /Wendy M. Lee/  
Wendy M. Lee  
Reg. No. 40,378  
Telephone: (650) 225-1994